

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Vincent Marino

Petition No. 971209-010-084

**REINSTATEMENT CONSENT ORDER**

WHEREAS, Vincent Marino of Marlborough, Connecticut (hereinafter "respondent") was issued license number R44845 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent's license was revoked on April 24, 1996, pursuant to a Memorandum of Decision issued by the Board of Examiners for Nursing (hereinafter "the Board"), and respondent has now applied to have said license reinstated by the Department pursuant to Chapter 368a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits as follows:

1. On March 22, 1995, the Board accepted a Consent Order in Petition No. 921208-010-062 which suspended respondent's license for a period of two years, retroactive to June 29, 1993, and placed respondent's license on a concurrent probation for a period of four years and six months subject to various terms and conditions. Respondent was required to undergo a psychiatric evaluation (hereinafter "the evaluation").
2. On April 24, 1996, the Board revoked respondent's license based on the report from the psychiatrist who conducted the evaluation and concluded that respondent suffers from an

emotional disorder which prevents respondent from practicing nursing with reasonable skill and safety.

3. That the conduct described above constitutes grounds for denial of respondent's application for reinstatement pursuant to §19a-14(a)(6) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-99 of the General Statutes of Connecticut, as amended, respondent hereby stipulates and agrees as follows:

1. He waives his right to a hearing on the merits of this matter.
2. Respondent's license to practice as a registered nurse shall be reinstated when he satisfies the requirements for reinstatement of his license, as set forth in Chapter 19a-14-1 through 19a-14-5 of the Public Health Code of the State of Connecticut, and this Reinstatement Consent Order is executed by all parties.
3. Immediately upon issuance, respondent's license shall be placed on probation for a period of three (3) years under the following terms and conditions:
  - A. At his own expense, he shall engage in therapy and counseling with a Connecticut licensed or certified therapist (hereinafter "therapist") approved by the Board and the Department for the entire probationary period.
    - (1) He shall provide a copy of this Reinstatement Consent Order to his therapist.
    - (2) His therapist shall furnish written confirmation to the Board and the Department of his engagement in that capacity and receipt of a copy of this Reinstatement Consent Order within fifteen (15) days of the effective date of this Reinstatement Consent Order.

- (3) If respondent's therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy is warranted, or that respondent should be transferred to another therapist, he or she shall advise the Board and the Department. Said termination of therapy, reduction in frequency of therapy, and/or respondent's transfer to another therapist shall not occur until approved by the Board after consultation with the Department.
  - (4) The therapist shall immediately notify the Board and the Department in writing if respondent discontinues therapy and/or terminates his services.
- B. Respondent shall be responsible for the provision of monthly written reports from his therapist directly to the Board and the Department for the entire probationary period. Such reports shall include documentation of dates of treatment, an evaluation of respondent's progress in treatment and an evaluation of his ability to safely and competently practice nursing.
- C. Notwithstanding the foregoing, respondent's therapist shall immediately report to the Board and the Department any conduct or condition on respondent's part which does or may violate any federal or state statute or regulation applicable to his profession.
- D. Respondent shall provide a copy of this Reinstatement Consent Order to all current and future employers for the duration of his probation.
- E. Respondent shall not accept employment as a nurse for a personnel provider service, Assisted Living Services Agency, Homemaker - Home Health Aide Agency, or home health care agency, and shall not be self-employed as a nurse for the period of his probation, and for the first twelve months of the probationary period respondent shall

only accept employment in a position in which he will be supervised by a registered nurse who is present during that shift in the facility.

- F. Respondent shall be responsible for the provision of monthly written reports directly to the Board and the Department from his nursing supervisor (i.e., Director of Nursing) for the entire probationary period. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 3K below.
- G. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- H. Respondent shall notify the Board and the Department of any change in his home or business address within fifteen (15) days of such change.
- I. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Reinstatement Consent Order to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department of receipt of the Reinstatement Consent Order within fifteen (15) days of receipt.
- J. All reports required in paragraphs 3B and 3F are due on the tenth business day of every month commencing with the reports due APRIL, 1998.

K. All correspondence and reports shall be addressed to:

Jeffrey Kardys  
Department of Public Health  
Division of Health Systems Regulation  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308

4. Any violation of the terms of this Reinstatement Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of the respondent's nursing license following notice and an opportunity to be heard.
5. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
7. This Reinstatement Consent Order is effective on the first day of the month immediately following the month in which this Reinstatement Consent Order is approved and accepted by the Board.
8. Respondent understands this Reinstatement Consent Order is a matter of public record.
9. Respondent understands this Reinstatement Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Board in which (1) his compliance with this same Reinstatement Consent Order is at issue, or (2) his compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.

10. In the event respondent violates a term of this Reinstatement Consent Order, respondent agrees immediately to refrain from practicing as a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether his conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.
11. In the event respondent violates any term of this Reinstatement Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
12. This Reinstatement Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Reinstatement Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.

13. Respondent permits a representative of the Department to present this Reinstatement Consent Order and the factual basis for this Reinstatement Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Reinstatement Consent Order is approved or accepted.
14. Respondent has had the opportunity to consult with an attorney prior to signing this document.

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I, Vincent Marino, have read the above Reinstatement Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Reinstatement Consent Order to be my free act and deed.

Vincent Marino  
Vincent Marino

Subscribed and sworn to before me this 17 day of February, 1998.

Linda M. Miller  
~~Notary Public~~ or person authorized Commissioner  
by law to administer an oath or of the Superior  
affirmation Court

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 18<sup>th</sup> day of February, 1998, it is hereby ordered and accepted.

Cynthia Denne  
Cynthia Denne, Director  
Division of Health Systems Regulation

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Board of Examiners for Nursing on the 18<sup>th</sup> day of February, 1998, it is hereby ordered and accepted.

Nancy L. Laford  
Board of Examiners for Nursing